



**U.S. Department of Justice**

*United States Attorney  
Southern District of New York*

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*86 Chambers Street, 3rd floor  
New York, New York 10007*

August 17, 2023

**BY ECF**

The Honorable Paul A. Engelmayer  
United States District Judge  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, New York 10007

Re: *ACLU et al. v. DOD et al.*, No. 17 Civ. 3391 (PAE)

Dear Judge Engelmayer:

This Office represents the defendant agencies (“Defendants”) in the above-captioned lawsuit brought pursuant to the Freedom of Information Act (“FOIA”). We write respectfully on behalf of the parties to provide a joint status update pursuant to the Court’s Order dated July 13, 2023 (ECF No. 186).

Since the last report, the parties have made further progress on the issue of fees in this matter. Specifically, the undersigned has provided a counter-offer (which would still be subject to final approvals within the Government), as well as a high-level explanation of the components of the counter-offer. Counsel expect to confer about this counter-offer in the coming weeks. Based on these developments, and to allow time for the parties to discuss and for further finalization within the Government, the parties respectfully and jointly ask the Court’s leave to submit a further status report by September 29, 2023. We thank the Court for its consideration of this request.

Respectfully,

DAMIAN WILLIAMS  
United States Attorney for the  
Southern District of New York  
*Attorney for Defendants*

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